

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **AMY NICOLE RICHBOURG, R.N. REINSTATEMENT APPLICANT**
License Number: 0001-220821
Case Number: 180362

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on July 17, 2017, in Henrico County, Virginia, to receive and act upon Amy Nicole Richbourg’s application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Amy Nicole Richbourg, R.N., appeared at this proceeding and was represented by Mark Gardner, Esquire.

NOTICE

By letter dated June 30, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Richbourg notifying her that a formal administrative hearing would be held on July 17, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Richbourg and the formal hearing proceeded in her absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On August 31, 2009, the Board issued License Number 0001-220821 to Amy Nicole Richbourg, R.N., to practice professional nursing in the Commonwealth of Virginia.

Said license was mandatorily suspended by Order of the Director of the Department of Health Professions on March 31, 2017. Her primary state of residence is California.

2. Ms. Richbourg submitted an application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia on April 14, 2017.

3. By Order entered March 1, 2017, the California Board of Registered Nursing accepted the voluntary surrender of her license to practice professional nursing in the State of California. This Order formed the basis for the mandatory suspension of her Virginia professional nursing license by the Virginia Department of Health Professions.

4. By Order entered February 13, 2015, the California Board of Registered Nursing granted her licensure to practice professional nursing in the State of California, immediately revoked the license, stayed the revocation, and placed her on probation with terms for a period of three years.

5. On December 30, 2013, the California Board of Registered Nursing denied her application for licensure by endorsement to practice professional nursing in the State of California.

6. On June 25, 2009, in Radford County General District Court, Radford, Virginia, she was convicted of one count of misdemeanor driving while intoxicated. The conviction was based on an incident on or about March 3, 2009, when a blood sample drawn from Ms. Richbourg was analyzed with a blood alcohol content of 0.23/ percent. Ms. Richbourg testified that she disclosed this arrest and conviction prior to the Board issuing her an unrestricted license to practice professional nursing in 2009. This testimony was corroborated by testimony from the investigator from the Department of Health Professions.

7. On December 4, 2015, Ms. Richbourg underwent a mental health evaluation conducted by addiction medicine specialist Jerry D. Ayers, M.D., San Diego, California. Her diagnoses included alcohol misuse. Dr. Ayers also included a statement that Ms. Richbourg was fully capable of

practicing in a safe and competent manner and did not present a risk to the public. Dr. Ayers further stated that there was no reason to restrict her work environment participation.

8. On January 30, 2016, while participating in the California Board of Registered Nursing Probation Program, she submitted a urine drug screen that was positive for alcohol metabolites. On February 9, 2016, she submitted a blood sample that was positive for phosphatidylethanol. Ms. Richbourg testified that she voluntarily surrendered her California license because she did not wish to complete the California monitoring program.

9. Ms. Richbourg testified that she usually has one or two alcoholic drinks a month. Ms. Richbourg denied being an alcoholic and does not have a sobriety date to report.

CONCLUSION OF LAW

Findings of Fact Nos. 3 through 5 constitute a violation of Virginia Code § 54.1-3007(7).

ORDER

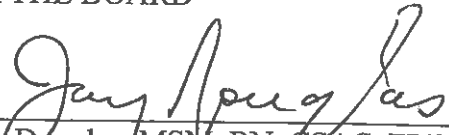
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Amy Nicole Richbourg, R.N., is REPRIMANDED.
2. WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, ORDERS that the license issued to Amy Nicole Richbourg to practice professional nursing in the Commonwealth of Virginia is REINSTATED without restriction.
3. Ms. Richbourg shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

July 28, 2017

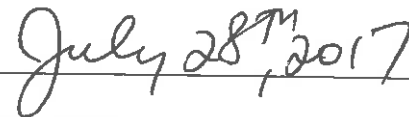
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:



July 28th, 2017

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E. , Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300; Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing